

REMARKS

By this paper, claims 1, 2, 3 and 4 have been amended and claims 8-11 and 16 have been canceled. Additionally, claims 21-25 have been presented for examination.

In the outstanding Office action dated June 3, 2005, the drawings were objected to for failing to comply with 37 CFR 1.84(b)(4) due to typographical errors in the drawings. In response thereto, FIG. 1 has been amended to provide unique reference character numbers for the second, third and fourth zippers and paragraph [00030] of the specification has been amended to reflect the changes to the drawings. Additionally, FIG. 8 has been amended to depict both reference character 160 and 160'. Moreover, to address an objection to the disclosure, paragraph [00047] has been amended to identify the disclosed L-bracket with reference numeral 146.

Moreover, in the outstanding Office action, claims 9-11 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with enablement requirement. Although the Applicant does not agree with the § 112 rejection of claims 9-11, these claims have nevertheless been canceled for the purpose of advancing the prosecution of this application. Also, it is believed that the § 112, second paragraph rejection of claims 1-20 has been traversed in view of the cancellation from claim 1 of the phrase "positioned in both the retracted and extracted configurations."

Furthermore, in the June 2005 Office action, claims 1, 2, 8 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chomard (Sr. 2 598 897) in view of Cook (GB 2 168 035) and claims 3-6 and 20 were rejected under § 103(a) as being unpatentable over Chomard and Cook and further in view of Bartsch et al. (US 5,343,988). Moreover, claim 7 was rejected under § 103(a) as being unpatentable over Chomard, Cook, Bartsch et al. and Neptune (US 3,376,954) and claims 9-11 and 17 were rejected under § 103(a) as being unpatentable over Chomard and Cook and further in view of Lambracht (US 4,771,871). Additionally, claims 12-

14 were rejected under § 103(a) as being unpatentable over the combination of Chomard, Cook and Jones (US 2,581,417) and claim 15 was rejected under § 103(a) as being unpatentable over Chomard and Cook and further in view of Alper et al. (US 5,407,039). Finally, claim 18 was rejected under § 103(a) as being unpatentable over the combination of four references including Chomard, Cook, Lambracht and Cassimally (US 4,273,222) and claim 19 was rejected in view of the combination of Chomard, Cook and Cassimally.

Applicant places reliance upon the guidance provided by the MPEP which sets forth standards regarding properly combining art to meet the limitations recited in the claims. MPEP 2143.01 states that "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination" and that "A statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art' at the time the claimed invention was made' because the references relied upon teach all of the aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references." Further, the MPEP states that "The level of skill in the art cannot be relied upon to provide the suggestion to combine the references."

It is respectfully submitted that in the outstanding Office action, the combination of the cited art was not made pursuant to the guidelines provided by MPEP 2143.01. Firstly, the cited art lacks the required suggestion of the desirability for the various combinations made by the Examiner. Moreover, it is respectfully submitted that improper reliance has been made upon the level of skill in the art for combining the cited references. Notably, there is no suggestion in either the Chomard or Cook references for the combination of their teachings to reject claims 1, 2, 8 and 16 or for that matter, to reject any of the pending claims. This is especially evident in

the present situation because only a single paragraph (the Abstract) of Chomard has been translated and nothing in that paragraph suggests modifying the teachings of Chomard in any way let alone to include subject matter disclosed in Cook.

Additionally, it is respectfully submitted that the combination of three or more references to reject the claims is particularly tenuous in view of the guidelines of MPEP 2143.01. In particular, claim 7 was rejected in view of Chomard, Cook, Bartsch et al. and Neptune without any of the references including a suggestion for the combination. To meet the limitations of claim 7, the teachings of the Chomard reference must first be modified in view of Cook, then modified again in view of Bartsch et al. and then modified a third time in view of Neptune, all without a suggestion to do so. It is respectfully submitted that the same can be said concerning the rejection of claim 18 where four references were combined as well as concerning the rejection of the other claims where three references were combined. Accordingly, it is believed that an impermissible reliance has been made upon what one of ordinary skill in the art might do to combine the cited art to reject the claims.

While the Applicant does not agree with the bases for the § 103 rejections of the claims, independent claim 1 has nevertheless been amended to recite subject matter which is clearly patentable over the cited references either alone or in combination. Significantly, none of the cited references teach a convertible luggage device including a main body and a first pair of wheels including a first retracted position wherein at least one wheel of the first pair of wheels includes a portion which extends beyond both the long side and at least one short side of the main body and a second extended position wherein the at least one wheel of the first pair of wheels is extended further from the long side of the body than when in the first position. Moreover, none of the cited references teach the subject matter of any of new claims 21-25.

Support for the subject matter recited in new claims 21-25 is found in FIGS. 8 and 9 and corresponding sections of the specification.

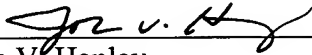
Accordingly, it is respectfully submitted that each of the pending claims recite patentable subject matter.

CONCLUSION

In view of the above remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

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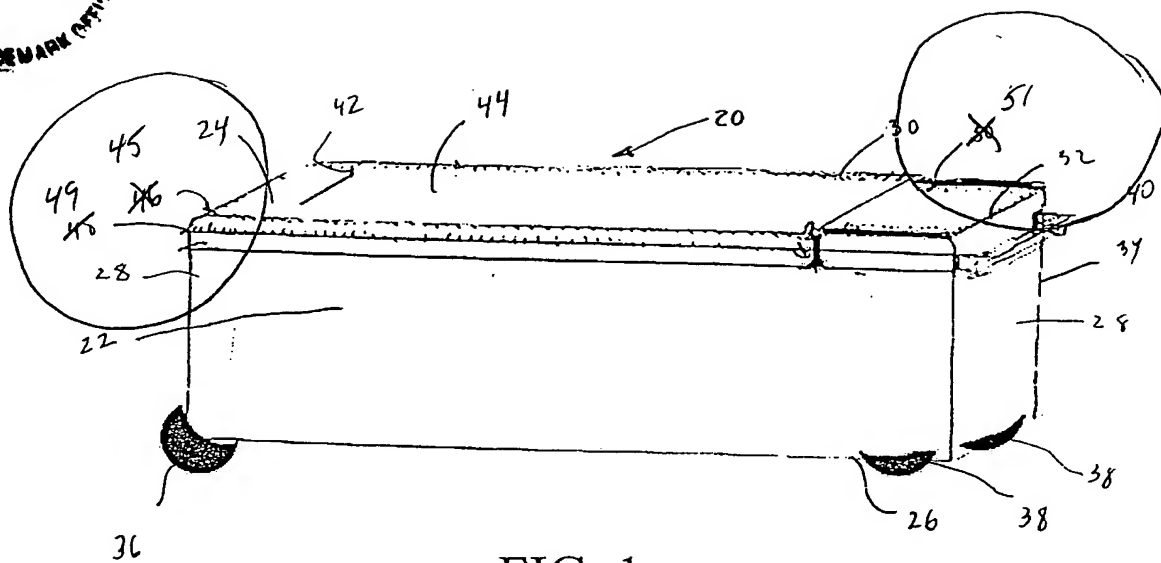


FIG. 1

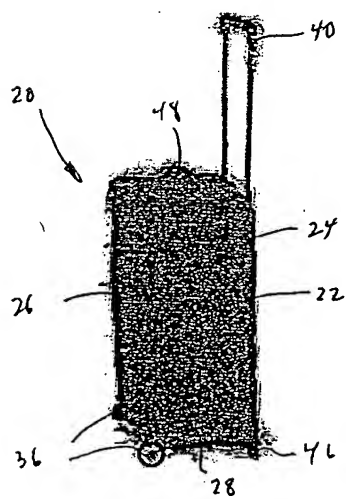


FIG. 2

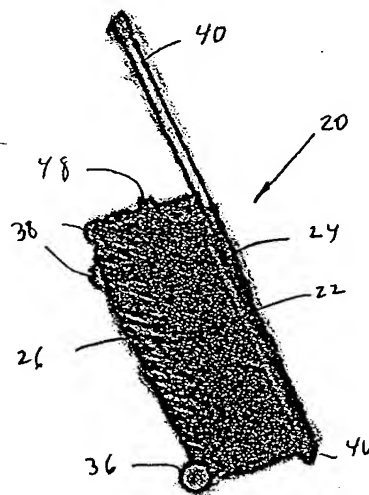


FIG. 3

